

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

JOHN F. CURRAN, III,

Plaintiff,

V.

No. 1:20-cv-1229-STA-jay

**WEPFER MARINE SERVICES, INC., and
OKIE MOORE DIVING AND MARINE
SALVAGE, LLC,**

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
ORDER GRANTING MOTION FOR SUMMARY JUDGMENT
ORDER CERTIFYING APPEAL NOT TAKEN IN GOOD FAITH
ORDER ON APPELLATE FILING FEE

Before the Court is the United States Magistrate Judge's report and recommendation (ECF No. 131) that the Court grant a Motion for Summary Judgment (ECF No. 121) filed by Defendants Wepfer Marine Services, Inc. and Okie Moore Diving and Marine Salvage, LLC. The Magistrate Judge has also recommended that the Court deny Plaintiff John F. Curran, III's Motion to Strike (ECF No. 127) a reply brief filed by Defendants in support of their Rule 56 Motion. The Magistrate Judge entered his report and recommendation on January 9, 2023. To date, Plaintiff has not filed any objections to the Magistrate Judge's recommendation that the Court grant Defendants' Motion for Summary Judgment and deny Plaintiff's Motion to Strike. Plaintiff had 14 days from the service of the Magistrate Judge's report in which to file objections, and the time to object has now expired.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*,

237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869-70 (1989)); *see also Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). The United States District Court for the Western District of Tennessee adopted Administrative Order 2013-05 for this very purpose, referring cases filed by non-prisoner, *pro se* plaintiffs to a United States Magistrate Judge for management of all pretrial matters. The Magistrate Judge has supervised this case since Plaintiff filed suit and now issued his recommendation that the Court grant Defendants judgment as a matter of law pursuant to 28 U.S.C. § 636(b)(1)(B). While “a district judge must determine de novo any part of a Magistrate Judge’s disposition that has been properly objected to,” Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C), the district court is not required to review (under a de novo or any other standard) “any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. *Id.* at 151.

In the absence of any objection to the Magistrate Judge’s recommendations, the Court hereby **ADOPTS** the Magistrate Judge’s report and recommendation, **GRANTS** Defendants’ Motion for Summary Judgment, and **DENIES** Plaintiff’s Motion to Strike. The Clerk of Court is directed to enter judgment.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: February 6, 2023